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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,643	10/17/2003	Daryl R. Sugden	064552.0237	1951
23640	7590	11/21/2007	EXAMINER	
BAKER BOTTS, LLP			FERGUSON, MICHAEL P	
910 LOUISIANA			ART UNIT	
HOUSTON, TX 77002-4995			PAPER NUMBER	
			3679	
			NOTIFICATION DATE	
			DELIVERY MODE	
			11/21/2007	
			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

debbie.allen@bakerbotts.com

# Office Action Summary

Application No.

10/688,643

Applicant(s)

SUGDEN, DARYL R.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 22, 2007 has been entered.

Examiner notes that the amendment filed October 29, 2007 is a duplicate of the April 3, 2007 amendment, and is not a copy of the previous After Final amendment dated August 22, 2007. Clearly Applicant intended to submit a copy of the After Final amendment to be entered into prosecution. Accordingly, the October 29, 2007 amendment has not been entered. The August 22, 2007 amendment has been entered and treated on its merits as set forth below.

### ***Election/Restrictions***

2. Claims 3-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 15, 2005.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr (US 1,214,709) in view of Sjostedt (US 7,137,617).

As to claim 1, Orr discloses a wire rope and socket combination; comprising:

a wire rope socket **10**:

a rope formed of strands **a** of twisted wires extending into the wire rope socket;

strands **a**<sup>1</sup> of the twisted wires being bent over 180 degrees within the wire rope socket;

strand **a**<sup>2</sup> of the twisted wires remaining unbent (strand **a**<sup>2</sup> is not deformed or bent, instead the strand is left in its original axial position; page 2 lines 2-10) within the wire rope socket, wherein the selection of the number of strands of twisted wire bent over 180 degrees and the selection of the number of strands of twisted wire remaining unbent are made to set the breaking strength of the wire rope socket; and

babbit **19** securing the rope in the wire rope socket (Figures 1 and 4).

Orr fails to disclose a combination wherein the wire socket is internally threaded, and wherein a vent hole is located below the threaded portion of the socket.

Sjostedt teaches a wire rope and socket combination comprising a wire rope socket **12,16** wherein the wire rope socket is internally threaded **38,20**, and wherein a vent hole **42** is located below the threaded portion of the socket; the internally threaded socket enabling interchangeable use of a variety of different attachment ends **22** with a single rope **60**; and the vent hole enabling one to densely in-fill the socket with adhesive

under pressure to provide for an extremely secure, slip-free engagement, without concern of the adhesive over-filling into the threaded portion of the socket (Figures 1, 4-7 and 25, column 3 lines 17-40, column 6 line 64- column 7 line 6). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination disclosed by Orr to have an internally threaded socket wherein a vent hole is located below the threaded portion of the socket as taught by Sjostedt in order to enable interchangeable use of a variety of different attachment ends with the rope, and to enable one to densely in-fill the socket with babbit under pressure to provide for an extremely secure, slip-free engagement, without concern of the babbit over-filling into the threaded portion of the socket.

As to claim 2, Orr discloses a wire rope and socket combination wherein the wire rope socket **10** has a tapered bore, and the bent strands **a**<sup>1</sup> are bent in the direction of narrowing of the tapered bore (Figure 1).

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US 5,136,755) in view of Sjostedt.

As to claim 1, Shaw discloses a wire rope and socket combination; comprising:

a wire rope socket **20**:

a rope formed of strands **11,13** of twisted wires extending into the wire rope socket;

strands **11** of the twisted wires being bent over 180 degrees within the wire rope socket (shown in Figure 9);

strand **13** of the twisted wires remaining unbent within the wire rope socket, wherein the selection of the number of strands of twisted wire bent over 180 degrees and the selection of the number of strands of twisted wire remaining unbent are made to set the breaking strength of the wire rope socket; and

babbit **29** (formed by melting strands **11**; column 8 lines 51-58) securing the rope in the wire rope socket (Figures 8-11).

Shaw fails to disclose a combination wherein the wire socket is internally threaded, and wherein a vent hole is located below the threaded portion of the socket.

Sjostedt teaches a wire rope and socket combination comprising a wire rope socket **12,16** wherein the wire rope socket is internally threaded **38,20**, and wherein a vent hole **42** is located below the threaded portion of the socket; the internally threaded socket enabling interchangeable use of a variety of different attachment ends **22** with a single rope **60**; and the vent hole enabling one to densely in-fill the socket with adhesive under pressure to provide for an extremely secure, slip-free engagement, without concern of the adhesive over-filling into the threaded portion of the socket (Figures 1, 4-7 and 25, column 3 lines 17-40, column 6 line 64- column 7 line 6). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination disclosed by Shaw to have an internally threaded socket wherein a vent hole is located below the threaded portion of the socket as taught by Sjostedt in order to enable interchangeable use of a variety of different attachment ends with the rope, and to enable one to densely in-fill the socket with babbit under

pressure to provide for an extremely secure, slip-free engagement, without concern of the babbit over-filling into the threaded portion of the socket.

As to claim 2, Shaw discloses a wire rope and socket combination wherein the wire rope socket **20** has a tapered bore, and the bent strands **11** are bent in the direction of narrowing of the tapered bore (Figures 9 and 11).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to wire rope-socket combinations:

Browne (US 4,043,690) and Davis (US 3,660,887) are cited for pertaining to combinations comprising a wire rope, a threaded socket and babbit.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MPF  
11/16/07

  
**Michael P. Ferguson**  
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